Gray, E. P. Cox, Haley, Moses Green Lion, Pettit, R. E. Lee, Tate Irvine, Tal-iaferro, Harry Watson.

## POWERFUL PLEA FOR COMMISSION

Messrs, Carter and Hunton Argue Before Investigation Committee.

The final open session of the Legislative Investigation Committee, sitting to hear evidence in the Lehier affair, bean in the court-room of the Corporation Commission at 3 o'clock.

After the committee were seated, Mr. Byrd, the chairman, said to counsel, "The committee is present. You can proceed."

"The committee is present. You can proceed."

Mr. Henry Fairfax, ex-commissioner, was called, was sworn, and went upon the stand.

At this point Judge Crump asked to be allowed to make an additional statement. He said he had never seen the letter addressed to Mr. Royall by Mr. A. B. Williams, in which Mr. Williams proposed a plan for the solution of the disceitles that had arisen in the offices of the Corporation Commission by reason of the dismissal of Major Lanler.

He also stated that he had not intended to say that laws should not be enacted to regulate the powers of the Corporation Commission. In conclusion, he made a statement, printed above, recarding the head-lines in The Times-Dispatch, which, he said, were misleading ard did lim an injustice.

Mr. Fairfax Testifies.

# Mr. Fairfax Testifies.

Mr. Fairfux then began his testimon He said:

"I think the narration of this affair has been pretty well gone over. My friend, Mr. Stuart, and Judge Crump have explained these matters in full, I will, therefore, only touch upon such matters as I deem necessary, and will not encumber the record nor consume longer than necessary the xaluable time of this committee.

Mr. Byrd: I should like to ask you a question.

Ques. Did this charge in the distribu-tion of work, bring about any economy? Ans. We hoped it would.

"Berry's for Clothes."





between Mr. Upshur and himself,
Mr. Hunton: Please tell about Lanier's
conversation with Judge Crump during
the interview just stated.

the interview just stated.

Mr. Fairfax: Judge Crump said to
Lanier: "Major, you know that I warned
you that you must have no connection
with this company in the office." Lanier replied that what Judge Crump said
was true.

nier repiled that what Judge Crump said was true.

Mr. Fairfax then told of the examination of Newby and Tyler. He said that Nwby felt that he had done no wrong, but that Tyler seemed very instocent; that some days later. Mr. Upshur asked that action on the "charges" be delayed, and that Mr. Upshur filed additional "charges," which caused them to think that Mr. Tyler had to go, too.

Wilness continued: "We then determined that Lanier and the others should go, and we agreed upon the letter, drafted by Judge Crump, slating the reasons as "irreconcilable differences." As I said a while ago, Major Lanier would have had to go, even if he had been innocent."

Mr. Fairfax then told of Judge Crump's Mr. Fairfax then told of Judge Crump's leaving the city and of Mr. Royall's demand on behalf of Major Lanier, for a copy of the "charges" filed by Upshur. He told of the threatened suit by Lanier and went into the matter of the "privileged communication" of the charges. He told of the visit of Mr. Stuart and himself to Mr. Hunton's office and of the reason why the "climinations" were suggested to Mr. Upshur.

Mr. Fairfax's recollection of this incident was exactly the same as that of Mr. Stuart, who had already testified along these same lines.

Mr. Fairfax then said to the committee:
"If you will act.

"If you will halt me any question or suggest any line of testimony, I will be obliged."

Mr. Byrd nakled. Mr. Byrd asked; Ques. You thought it proper to dismus Tyler and Newby for their connection with this company? Ans. Yes, for their improper action in

he office.

Ques. Did you give them as a reason
for their dismissal, that there were "irreconcilable differences?"

Ans. No. we gave them no reason
Mr. Byrd:

Mr. Byrd:

I have no further question to age, as all the other matter which happened after this have nothing to do with you.

Confidence in Judge Crump.

Mr. Fairfax then said; "Mr. Chairman,

these tremendous corporations, with capital unlimited, before us have come the ablest legal talent that could be procured in the land—lawyers from all over the country, and the best lawyers representing these large corporations, where, if a man did not have his eyes open and was not very quick about it, he would have been caught up in probably half a dozen different ways, I imagine, so far as I can see into the legal matters, and he would probably have lost a good many of these cases for the State. I think he has been one of the most valuable serof these cases for the State. I think he has been one of the most valuable servants of the State of Virginia during his incumbency of this position in that I have ever known in any position in the State. I think he has saved more money to the State and gotten her out of more troubles.

Knew Nothing About Letters. Mr. Carter: Did you know anything about this correspondence between Alfred

Williams and Mr. Royall, or did you mention that?
Mr. Fairfax: No. 1 did not mention it. I knew absolutely nothing about it— did not know there was such a letter in the world until it was produced here. Mr. Lanier: May I ask the witness a

tion; r. Chairman; Yes, sir; go ahead, r. Lanier; You stated a moment ago about the time the organization of Virginia Corporation Company was

the organization of such a company under way at the time. Mr. Fairfax: I did not.

Mr. Fairfax: I did not.
Mr. Fairfax: I did not.
Mr. Fairfax then stood aside,
Mr. W. H. Sands was then sworn and
took the stand. Major Lanier asked the
witness if he (Lanier) had ever failed
to show him every consideration in furnishing him forms and information,
(Mr. Sands is an officer of a rival company to the Virginia Corporation Company.)
Major Eands states.

Be Officer of Both.

curred unless the officials were corrupt Ans. No. I think they would have to

Ans. No. I think they would have to be corrupt. Ques. (Mr. Carter repeated his ques-tion).

Major Lanier then asked permission

### "Would Be President."

not progressed far enough, and that it would look like deserting a sacred trust and perhaps subject him to the criticisms of the people, or words to that effect.

It is, therefore, manifest that Judge Crump either gave the organization of this company most serious and thoughtful consideration, or that he trifled with a business proposition which appeared, at the time, to be of great magnitude, Do not understand me as implying or inot understand me as implying or in-ending to say that Judge Crump was tending to say that Judge Crump was actuated by any improper motive in all this matter, for I believe, on the contrary, that no man ever went into anything with purer and more honorable purposes and intentions than did Judge Crump when he conferred with me in regard to the organization of this company and subscribed to its capital stock."

Mr. Carter Argues.

Chairman Byrd then announced that the taking of testimony had been com-pleted and that the committee would hear "How long will you give us?" asked

"How long will you give us?" asked Mr. Hunter. "An hour each?"
"As you are strong, be merciful," replied Mr. Byrd.
"Then we will only ask for an hour and a half to be divided between Mr. Carter and myself," said Mr. Hunton.
"That is agreeable to the committee," replied Mr. Byrd; "proceed."
Mr. Chairman and Gentlement of the Committee:
It is, I think, pretty clear from the testimony in this case that the mest serious—in fact, the only fault that can be charged against any one of these three commissioners who we represent—is the charged against any one of these three commissioners who we represent—is the fact that the chairman of the commission, Judge Crump, subscribed in January, or February, 1905, to a single share of stock in this corporation with which Major Lanier was connected.

In that connection, you will observe that there are two kinds of corporations in Virginia which came before the Cor-

inishing him forms and information.

(Mr. Sands is an officer of a rival company to the Virginia. Corporation Company)

Major Sands stated in answer that he had never received any discourtesy at the hands of the commissioners or any cierk in their office. He said that Captain Barrow had called upon him to ask for his report, and that he had told him he did not have the forms. He said that Captain Barrow later returned with the forms and that he then filled them out.

Mr. Sands, in answer to a question of Mr. Hunton, said that the charter of his

Rising Wolf-Ghost Dancer A Story of Thrilling Interest, By HAMLIN GARLAND. Sunday Times-Dispatch. 

say that there was any ulterior or im-proper motive there, is to assert a propo-sition, it seems to me, none but a mad man would make, and none but a mad man would believe.

The Legal Right.

The Legal Right.

Mark you, he said, "Lanler, you have the right—the legal right." What dd he mean by that? The constitutional provision gives the right-impliedly to the commissioners themselves, to own stock in this kind of a corporation—not expressly, but impliedly. When that provision was framed there was an express provision inserted in it that the commissioners should not own any stock in transmission and transportation companies. Those were all. Why? Because their actions with reference to transmission and transportation companies were not and transportation companies were not ministerial but judicial. Their chief bus-iness was to manage, control, regulate and restrain transportation and transmission companies, and the slience of the convention—the failure of the Constitu-tion to include any stock except the stock of such corporations, is strong corrobota tion of the statement I make that ...ey thought they had the right to hold other

wender that Judge Crump so considered? And, but for what has happened in this case I confess I would say that he was

right.

I can see now, as he can see, that there are possibilities and probabilities which render it best and proper that no member of the commission should own the stock of companies of this kind, ever though they deal mostly with matters which are purely ministerial. That is the head and front of his offending.

to get this rate clerk to fix up this questo get this rate clerk to fix up this ques-tion of rates, which was impending and which had been too long delayed, and take in place Mr. Wilson, Mr. Upshur, when he returned from Norfolk or Old Point, or wherever he had been, said that he could not get along without Bar-row, and thereupon Stuart said: Well, send for Mr. Barrow to come, and I will pay him out of my own pocket. That is Mr. Stuart's statement about it. On the contrary Mr. Upshur states that same Mr. Stuart's statement about it. On the contrary Mr. Upshur states that same matter this way: "When I got back I found that without my knowledge or consent the commission had discharged Barrow, and I put him back." I put him back! (Laughter.) Here we see the picture that existed, doubtiess, in Upshur's mind, of his standing over the commissioners and demanding that they take Barrow back; they cringingly and meekly obeyed. It just shows you how my friend understands the situation, Why, according to his account this commission was under as complete and abmission was under as complete and abject subjection to him as a little child to his mother. I doubt whether any man man except a married man can understand the amount of subjection that they had to submit to. Now the wonder to it is just they had to submit to. Now the wonder to it is just they had to submit to. Now the wonder to it is just they had to submit to. Now the wonder to it is just they had to submit to. Now the wonder to it is just they had to submit to. Now the wonder to it is just they had to anything but keep them apart and dodge Upshures "big stick." (Laughter.) Yet the testimony in this case and the history of our State shows that this commission has done the most successful and the most in quantity and the most responsible work of any body of men who have served the State for the same length of time. "." mission was under as complete and ab Chairman Objects.

Lyshur Greatly Mistaken.

Speaking of Mr. Upshur's part in the matter, Mr. Carter said:

'For some cause or other the chief clerk got offended at that—I know not why, though I can well imagine. The truth is that a sick man is like a sick woman, and sometimes sick men are more so. He was sick, he was nervous, he was hysterical, and he took it into his head that it was an attack on him, and an effort on the part of somebody to begin the his office and to put this man beyond his power and control. I do not say that it was mistaken—greatly mistaken. There was mo such intention; and when Lanier returned from his bridal trip, what before had been a kind and friendly great—from the commission would have been no trouble at all, because the commission would have been no trouble at all, because the commission would have been and trying Upshur (laughter).

Mr. Lanier comes up and threatens a to this issue. I don't mean to say that you will remove the man—I don't think there is any question of that sort at all tere cas a sometime as a sufficient cause for the discussing the irreconcilable differences as a sufficient cause for the discussion of the can send there is any question of that sort at all to be considered—but if you reflect in your report upon any of these men, of commission whith the hie life is a considered—but if you reflect in your report upon any of these men, of the two was most when they got the incommission. I do not mean to say that ferences as a sufficient cause for the discussion the intention of that stort at all to be a considered—but if you reflect in your report upon any of these men, of the two will nearly question of that suppose the would have been in the clerk of which they got the incommission. I do not say that ferences as a sufficient cause for the discussion will remove the man—I don't think then here is any question of that some a sufficient cause for the discussion. The cause of his retiring from the commission. I do not say that the less is a sufficient cause for the discussion.

The firs

Mr. Carter Concludes.

'Now, Mr. Chairman, thert is pending, and will soon be before this commission the most important work which has yet come before them. They have for a year or more been gathering the information and preparing the amunition with which they are to call down the common carriers of this State, and see that their rates are not improperly adjusted. You saw those two volumes here, which were gotten without waiting those three years that Mr. Upshur thought would be necessary before they could get it.

gotten without waiting those three years that Mr. Upshur thought would be necessary before they could get it.

They are about ready, and I think next month is the time set for the hearing. I say that no word or act, unless the evidence demands it in this case-oi course, if it does, then it must comeno word or act should be spoken by the members of the Legislature of Virginia it weaken their hands, or strike them down at they are entering upon this, the first great battle in behalf of the people, against corporate greed and corporate wealth; and I say that, I say that representing the people of Virginia, I do not mean to say that the railroad companies are charging more than they ought. I don't know. But it is a matter that ought to be carefully examined and inquired into, and that the body that does it should have the countenance and respect and the support of every true lover of should have the countenance and respect and the support of every true lover of his Commonwealth. Take one of these men out, and how long would it take a new man of study and acquire the information which years and years of patient study enables them now to bring to this issue. I don't mean to say that you will remove the man—I don't think there is any question of that sort at all to be considered—but if you reflect in your report upon any of these men, of course, there is danger of his retiring from the commission. I do not mean to say that this evidence requires you to for this thing—be the consequences what